



Pro Se on Memorial Week and for the Court to draw its own conclusion, where she openly used discriminatory case law(s) as **Blackie- Blackie**( Sand Niger), **National Amusement** ( Enjoyment), and **Sea-born** <sup>1</sup> **Surety** <sup>2</sup> ( banana Boat<sup>1</sup> security<sup>2</sup> police); See her first Report & Recommendation; it is disturbing and it is sickening and it is shame; also see the Court Pretrial Conference live audio Disk(s) 1 and 2, where she had 3 - 4 Arm Guard presence in such hearing, used as scare tactics of depravation--intimidation -humiliation -harassment, in such hearing of Magistrate Bowler, and where she openly stated that **she will not allow defendants to be depose** without any apparent justification reason under the law, and simply because such defendants are all white and rich and well connected, but Pro Se Bayad is Blackie (Sand Niger), see also Docket Entry # 84 with the attachment(s) of the United States Marshal Report(s) found in docket entry # 84, and see Docket Entry 49 dated 11/23/2004 filed accordingly by docket Clerk of the Honorable Judge O' Toole , but was return by the Magistrate Judge Bowler for no apparent justification, see right after docket entry 49 of the unnumbered docket Entry dated 12/09/2004, where the Honorable Docket Clerk of the Honorable Judge O'Toole stated her input remark as follow: (See Exhibit A attached hereto) as quoted from Docket Entry

" Remark: discovery documents and two CD's filed on 11/23/04 ( entry # 49) and discovery documents filed on

12/1/04 returned to Plaintiff, Anthony Bayad. Documents sent to address on pleadings. Requested by D. Saccooccio. ( Edge, Euginia) ( entered 12/09/04) "

Further the Magistrate Judge Bowler Office have tempered with Court Docket, also they moved docket Entry # 72 and placed it between Docket Entry # # 49 and 51. This misconduct is against the law that such Docket entry # 72 is misplaced ( Notice of Abuse Tactics and disobedience of Rule of Law), and the list goes on and on..; However, Pro Se Bayad states to this Court that **Rule 60 (B)** of Civil Procedures provides that the Court may relieve a party from judgment when there is fraud on the Court, or where is **newly discovered** evidence which by due diligent could not have been discovered when discovery was denied, and, where favors were provided to Bruce Falby et, al.; Furthermore Pro Se has maintained the burden of proof with concrete evidence , and has established Prima Facie of this case as proscribed by Law; moreover Exhibit B is shown that Defendant TONY SAVASTANO FROM LAWRENCE MASSACHUSETTS AN ITALIAN IMMIGRANT (God bless his father and my father and respectfully his and mine were not even born in our country), who ( Mr. Savastano) again discriminated against an ARAB AMERICAN Mr. Hamdi ELsiah, and such sick behavior is a smoking gun and prove of pattern of discriminatory conduct aimed designed on Arab(s)- that Such conduct demonstrates a pattern of discriminatory conduct by Defendant(s) Savastano . This Court has previously found that, " Plaintiff[s] (Pro Se Bayad), should be permitted to show that

defendants ' past practices manifest a pattern of . . . discrimination." Jackson v. Harvard, 111 F.R.D. 472, 475 (D.Mass. 1986) ( Garrity, D.J). In other words, evidence of pattern of behavior is relevant to discrimination claims such as those which have been asserted by Pro Se Anthony Bayad ( Lucent Technologies Inc. and International Services Inc.) see e.g. Scales v. J.C. Bradford and Co., 925 F.R.D. 901, 906 ( 6<sup>th</sup> Cir. 1991)( " It is well settled the information concerning an employer's general employment practices is relevant to title 42 § 1981 (in similarity to title VII) individual disparate impact claim"); and Glenn v. Williams, 209 F.R.D. 279, 282 (D.D.C. 2002)(similar act of discrimination is admissible); and United States v. Massachusetts Indust. Fin. Agency, 162 F.R.D. 410, 413 (D. Mass. 1995) ( " evidence of how organization ( Cisco Systems) treated Pro Se Bayad is relevant to a determination of the same act is relevant with respect to all Pro Se claim(s) and count(s) ").

#### STATEMENTS OF FACTS

For all the above supported fact(s) filed with this Court and proved to this Court, that the Magistrate Judge Bowler does not believe in discrimination against ARAB AMERICAN(S) and [t]hey should be all deported as she have done in the past with others and now with my Brother ( we have prove of such fact), also she directed others to provide my Bother ' Heabus corpus

that is filed with this Court to be given with docket Entry # 911, and she advised and directed the clerk of the Immigration to sign document that was send to us with her Initial B - meaning Bowler, and how many clerk(s) or any person(s) sign court documents with letter B even though their name(s) doesn't contains letter B ( we have such prove and a criminal complaint will be file with Washington & Justice Department). It is a shame; that such officer of the Court, the Magistrate Bowler is acting on discriminatory ground thinking her action will change the focus of the case as she is wrong and she had failed. This case is about Bayad v. Chambers et, al , and such Officer of the Court, Magistrate Bowler if she want to be involve in this litigation she can wait her turn until the final ruling in this case, as she did not perform her judicial function - thus where the impartial function of the Court have been directly corrupted. The people of Illinois v. Fred E. Sterling, 357 III. 359; 192 NE 229( the maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contacts and other transaction);

#### CONCLUSION

[T]he decision produced by fraud upon the Court is not in essence a decision at all, and never become final.

**CERTIFICATION OF SERVICE**

It is hereby certify that a true and correct copy of the forgoing motion in the above caption matter in Chambers et, al., was furnished via mail: to Bruce E. Falby BBO# 544143, Dla Piper Rudnick Gray Cary , one International Place, Boston MA 02110, on this 05 day of January 2006.

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